



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

**CERTIFIED MAIL**  
**RETURN REQUESTED**  
7011 1570 0002 9580 9704

May 31, 2012

Jerry Moyes  
President  
Swift Air LLC  
2710 East Old Tower Road  
Phoenix, AZ 85034

Re: Request for Information Pursuant to Section 1445 of the Safe Drinking Water Act  
Regarding Compliance with the Aircraft Drinking Water Rule

Dear Mr. Moyes:

The United States Environmental Protection Agency (EPA) is responsible for assuring public water systems provide safe drinking water in accordance with the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. §§ 300f - 300j-26, and the regulations promulgated pursuant to the Act. The enclosed information request is directed to Swift Air, LLC and is issued pursuant to Section 1445 of the SDWA, 42 U.S.C. § 300j-4. SDWA Section 1445 authorizes EPA to require the submittal of information so it can determine the compliance status of a public water system with federal drinking water regulations.<sup>1</sup>

SDWA Section 1401, 42 U.S.C. § 300f, and the federal drinking water regulations define a public water system as a system that provides piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Based on publicly available and reliable information, including information submitted by Swift Air LLC to EPA's centralized, web-based Aircraft Reporting and Compliance System (ARCS), EPA finds that Swift Air LLC owns or operates aircraft that meet the definition of a public water system and, thus, Swift Air LLC must comply with requirements of the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 810. It appears aircraft controlled by Swift Air LLC board finished water for human consumption and provide it to the public through tap(s) in a galley, lavatory or a drinking fountain.

EPA appreciates your prompt attention to this matter. Compliance with this information request is required by law. Failure to provide a complete and truthful response to this

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<sup>1</sup> This information request is exempt from the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*

information request may subject you to an enforcement action by EPA. Please note that the Agency will consider responses that are incomplete, ambiguous, or evasive as a failure to respond to this information request. False, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or SDWA. The information you provide may be used in EPA administrative, civil or criminal proceedings.

If you or your staff would like an opportunity to confer, have any questions, or would like to schedule a meeting related to this information request, please contact Kevin Ryan at (415) 972-3806. Further, if you believe that any of the requested information, if made public, would divulge trade secrets or secret processes, you may assert a confidentiality claim with respect to such information (Enclosure 3). However, any decision to seek compliance assistance at this time does not relieve Swift Air LLC of its obligations to EPA, does not create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action.

Thank you for your cooperation in this matter.

Sincerely,

  
Corine Li, P.E.  
Manager  
Drinking Water Office

cc: Christopher Holton, Swift Air LLC  
Linnon Lathum, Swift Air LLC

Enclosures:

- (1) Information Request
- (2) Statement of Certification
- (3) Confidential Business Information